

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES

v.

RASHID ABNEY,
a/k/a "Saleem Burbike"

: Criminal No.
:
: Violations:
:
: 18 U.S.C. § 922(g)(1) (Felon in
: possession of a firearm - 1 count)
:
: 18 U.S.C. § 924(a)(1)(A) (False
: statements to federal
: firearms licensee - 3 counts)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about March 20, 2003, at Philadelphia, in the Eastern District of
Pennsylvania, defendant

RASHEED ABNEY,

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed, in and affecting interstate commerce a firearm, that is: a Bersa, Model Mini Firestorm, nine-millimeter semi-automatic pistol, serial number 546141; a Taurus, Model 415, .41 magnum revolver, serial number SF747025; and a Charter Arms, Model Bulldog Pug, .44 special revolver, serial number 13089.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNTS TWO THROUGH FOUR

THE GRAND JURY FURTHER CHARGES THAT:

At all times material to this indictment:

1. Archery & Gun Outfitters, 674 Route 309, Montgomeryville, PA, possessed a federal firearms license (“FFL”) and was authorized to deal in firearms under federal laws.

2. FFL holders are licensed, among other things, to sell firearms and ammunition. Various rules and regulations, promulgated under the authority of Title 18, United States Code, Chapter 44 (Sections 921-929), govern the manner in which FFL holders may sell firearms and ammunition.

3. The rules and regulations governing FFL holders require that a person seeking to purchase a handgun fill out a “Firearm Transaction Record,” ATF Form 4473. Part of the Form 4473 requires that the prospective purchaser certify truthfully, subject to penalties of perjury, that he has not made any false oral or written statements with respect to the transaction. The Form 4473 contains language warning that “making any false oral or written statement or the exhibiting of any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony.” The Form 4473 contains language warning that “[y]ou are not the actual buyer if you are acquiring firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you.” The Form 4473 contains language warning that “a person who answers ‘yes’ to any of the questions 12b through 12k is prohibited from purchasing or receiving a firearm.”

4. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, including the

buyer's home address and date of birth.

5. On or about the dates listed below, in the Eastern District of Pennsylvania, defendant

RASHID ABNEY

in connection with the acquisition of each of the firearms listed below from the FFL holders listed below, knowingly made a false statement and representation with respect to information required by the provisions of Chapter 44 to be kept in the FFL holders' records, in that defendant RASHID ABNEY certified on Department of Treasury Form 4473, Firearms Transaction Record, that he had not been convicted in any court of a crime for which the judge could have imprisoned him for more than one year, that he was the actual purchaser of the firearms, and that his identity was Saleem Burbike, when in fact, as defendant RASHID ABNEY well knew, these statements were false and fictitious.

Count	Date	Location	Firearm	Serial Number
2	3/20/03	Archery & Gun Outfitters, 674 Route 309 Montgomeryville, PA	one Bersa, Model Mini Firestorm, nine-millimeter semi-automatic pistol	546141
3	3/20/03	Archery & Gun Outfitters, 674 Route 309 Montgomeryville, PA	one Taurus, Model 415, .41 magnum revolver	SF747025
4	3/20/03	Archery & Gun Outfitters, 674 Route 309 Montgomeryville, PA	one Charter Arms, Model Bulldog Pug, .44 special revolver	13089

All in violation of Title 18, United States Code, Section 924(a)(1)(A).

NOTICE OF FORFEITURE

As a result of the violations of Title 18, United States Code, Sections 922(g) and 924(a)(1) , as set forth in Counts One through Four of this Indictment, defendant

RASHID ABNEY

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d) and 28 U.S.C. § 2461(c), all firearms and ammunition involved in the commission of these offenses, including, but not limited to:

- (a) Bersa, Model Mini Firestorm, nine-millimeter semi-automatic pistol, serial number 546141;
- (b) Taurus, Model 415, .41 magnum revolver, serial number SF747025;
- (c) Charter Arms, Model Bulldog Pug, .44 special revolver, serial number 13089.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney